

To: Tom Hagler/R9/USEPA/US@EPA[]
Cc: Karen Schwinn/R9/USEPA/US@EPA;"Nepstad, Michael G SPK"
[Michael.G.Nepstad@usace.army.mil]; Nepstad, Michael G SPK"
[Michael.G.Nepstad@usace.army.mil]; Nawi, David" [David_Nawi@ios.doi.gov]
From: "Robershotte, Paul J SPD"
Sent: Fri 6/24/2011 10:47:47 PM
Subject: RE: Sharing Draft 404 NEPA MOU with Contractors? (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

I don't have a problem with DWR sharing this with the contractors unless it delays it signing (and possibly other things) by some significant period. To me, this is a commitment from the State (and Fed Leads) that they acknowledge CWA is part of the BDCP process that we all believe should be best addressed at the same time. Do you know what the Contractors concern would be? If it is schedule delays, then they and I share the concern. In a call I had with Jerry Meral today about two upcoming Corps meetings, he asked about the MOU. I mentioned we had had a call this morning with DWR. His desire was to get this reviewed and signed soon, also, so we could get into the substance rather than take too long on the MOU. The process Tom employed so well this past Wednesday (assume you have read it, now let's walk through it one time to receive ALL your suggestions and questions) would be great to do soon with DWR and get it done!
Thoughts?
Paul

-----Original Message-----

From: Hagler.Tom@epamail.epa.gov [mailto:Hagler.Tom@epamail.epa.gov]
Sent: Friday, June 24, 2011 3:33 PM
To: Robershotte, Paul J SPD; Nawi, David
Cc: Smith, Chip R Mr CIV USA ASA CW; Foresman.Erin@epamail.epa.gov;
Schwinn.Karen@epamail.epa.gov; Nepstad, Michael G SPK; Jewell, Michael S SPK;
Salt, Rock
Subject: Sharing Draft 404 NEPA MOU with Contractors?

I just had a talk with Michelle Morrow and Cathy Crothers, DWR legal, and they asked if they could share the draft 404 NEPA MOU with the contractors. I'm assuming once it goes to the state contractors it will also go to the federal contractors.

I told them that given the dynamics of all of this, I was not going to give her permission absent getting agreement from the DOI and Corps program leads. (I'm hoping that Karen wouldn't mind, since we tend to do things openly here at EPA).

What do you guys think?

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From: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
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Cc: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>, "Smith,
Chip R Mr CIV USA ASA CW" <chip.smith1@us.army.mil>, "Salt, Rock"
<rock.salt@us.army.mil>, Erin Foresman/R9/USEPA/US@EPA, Tom
Hagler/R9/USEPA/US@EPA
Date: 06/24/2011 11:27 AM
Subject: RE: BDCP CWA/408/10 MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Karen

Yes, it was Dale H-F that specifically asked the status of the Purpose & Need. I shared that we had hoped that we might include the P & N in the MOU, and that the Purpose was pretty close (needed to capture the original 2009 NOI Plus, EPA concern, plus the Oct 2010 Lead Agency response). David Nawi was sending Dale the Oct 2010 letter. Further, that the Bureau was to revisit Chapter 2 and propose the changes they wanted to make to "Need" and get that submitted. I think that is where we are. DWR is supportive in getting involved and getting this advanced.

Paul

-----Original Message-----

From: Schwinn.Karen@epamail.epa.gov [mailto:Schwinn.Karen@epamail.epa.gov
<mailto:Schwinn.Karen@epamail.epa.gov>]
Sent: Friday, June 24, 2011 11:15 AM
To: Robershotte, Paul J SPD; Nepstad, Michael G SPK
Cc: Jewell, Michael S SPK; Smith, Chip R Mr CIV USA ASA CW; Salt, Rock;
Foresman.Erin@epamail.epa.gov; Hagler.Tom@epamail.epa.gov
Subject: Re: BDCP CWA/408/10 MOU (UNCLASSIFIED)

Thanks Paul! I agree with point #5. Wouldn't next step on that be a submittal from the Lead Agencies, followed by a response from Corps and us? Did David or Mark agree to move forward on that? - Karen

From: "Robershotte, Paul J SPD" [Paul.J.Robershotte@usace.army.mil]
Sent: 06/24/2011 11:07 AM MST
To: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
Cc: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>; "Smith, Chip
R Mr CIV USA ASA CW" <chip.smith1@us.army.mil>; "Salt, Rock"
<rock.salt@us.army.mil>; Erin Foresman; Tom Hagler; Karen Schwinn
Subject: BDCP CWA/408/10 MOU (UNCLASSIFIED)

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Mike, with cc to Mr Salt, Chip, Mike, Karen, Tom & Erin:

David Nawi & I had a constructive discussion with Mark Cowin, Dale Hoffman-Floerke, and Cathy Caruthers from DWR this morning. The summary of Mark's comments would include:

1. DWR sees the advantages and benefits of addressing NEPA and CWA both at this time;
2. Thus, DWR will pursue being a signatory on the proposed MOU;
3. Recognizing, however, this does not require "pressing reset" on our targeted schedules (and recognizing everyone's process fatigue associated with BDCP);
4. The version we received Wednesday looks quite good, but we will need some time to digest, ask questions, and suggest edits;
5. We see no reason to wait on advancing to Checkpoints identified in the MOU such as agreement on Propose & Need, but do this in parallel with finalizing and signing the MOU.

So, I think we made progress this morning.

Best,

Paul

Paul J Robershotte

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